

HOUSE BILL 9004

By Zachary

AN ACT to amend Tennessee Code Annotated, Title 14;
Section 29-34-802; Title 50; Title 58 and Title 68,
Chapter 5, relative to COVID-19.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated is amended by adding the following as a new title:

14-1-101.

As used in this title:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including a mutation of SARS-CoV-2 or COVID-19;

(2) "Local governmental entity" includes a city, town, municipality, metropolitan government, county, utility district, school district, public building authority, housing authority, emergency communications district, county board of health, and development district created and existing pursuant to the laws of this state, or an instrumentality of government created by one (1) or more of those entities;

(3) "Medical treatment" means an immunization, vaccination, injection, or other treatment for the SARS-CoV-2 virus or a variant of the SARS-CoV-2 virus;

(4) "Political subdivision":

(A) Means a local governmental entity; and

(B) Does not include a local governmental entity that is subject to a federal or state statute or rule that prohibits the entity from requiring

medical treatment for those who object to the medical treatment on religious grounds or right of conscience;

(5) "Private business" means a person, proprietor, partnership, corporation, or other non-governmental entity, whether for profit or not for profit, engaged in business, commerce, or an activity in this state;

(6) "Proof of vaccination" means physical documentation or digital storage of protected health information related to an individual's medical treatment; and

(7) "Vaccine" means a substance used to stimulate the production of antibodies and provide immunity against COVID-19; prepared from the causative agent of a disease, its products, or a synthetic substitute; treated to act as an antigen without inducing the disease; and authorized or approved by the United States food and drug administration.

14-1-102.

(a) Notwithstanding title 58, chapter 2, or another law to the contrary, the governor, this state, its political subdivisions, and public officials do not have authority to suspend any provision of this title.

(b) This title is in addition to and supplemental to all other laws of this state; however, wherever the application of this title conflicts with the application of such other provisions, this title prevails.

14-1-103.

A state or local governmental official, entity, department, or agency shall not:

(1) Require, or mandate that a private business require, proof of medical treatment as a condition of entering upon the premises of a private business or utilizing services provided by a private business; or

(2) Require proof of medical treatment as a condition of entering upon the premises of a state or local governmental entity, or utilizing services provided by a state or local governmental entity.

14-1-104.

(a) Except as provided in subsection (b), a state agency or department shall not promulgate a rule, and a political subdivision of this state shall not promulgate, adopt, or enforce an ordinance or resolution, that requires medical treatment for those who object to the medical treatment on religious grounds or by right of conscience.

(b) This section does not apply to a student of a public institution of higher education created pursuant to title 49, who is subject to the policies or rules of a private office that delivers healthcare services or of a healthcare facility, as defined in § 68-11-201, that is not owned or controlled by the public institution of higher education, when the student is participating in a program of study or fulfilling educational requirements for a program of study in:

- (1) Medicine;
- (2) Dentistry;
- (3) Pharmacy; or
- (4) Another healthcare profession governed by title 33, title 63, or title 68.

14-1-105.

(a) A person, private business, or state or local governmental official, entity, department, or agency shall not compel proof of vaccination for COVID-19 by a person, including an employee or a consumer, who objects to medical treatment for a reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19.

(b) A person who objects to medical treatment for medical reasons shall present to the person, private business, or state or local governmental official, entity, department, or agency a document signed by the employee's treating physician stating that the employee should not receive the medical treatment due to medical reasons.

14-1-106.

A person injured as a result of a violation of this title may bring a private cause of action for injunctive relief and recover costs and reasonable attorneys' fees against the violator.

SECTION 2. Tennessee Code Annotated, Section 29-34-802(d), is amended by adding the following as a new subdivision:

(5) Apply to a cause of action brought pursuant to title 14, chapter 1, part 1.

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by deleting §§ 68-5-115, 68-5-116, and 68-5-117.

SECTION 4.

The provisions of this act must be liberally construed and are severable. If a phrase, clause, sentence, or provision of this act is declared to be invalid or contrary to the constitution of this state or of the United States with respect to its applicability to an agency, person, group or class of persons, or circumstance, the validity of the remainder of this title and the applicability thereof to an agency, person, group or class of persons, or circumstance is not affected thereby.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it.